

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular MeetingJuly 10, 2002
Location.....6900 Atmore Drive
Richmond, Virginia
PresidingRufus Adkins
Present.....Dianne Davis-Wagner
Donald L. Cahill
Jerry L. Fraley
Colleen K. Killilea
Renee T. Maxey
Sarah E. Terry
Absent.....Fred L. Finkbeiner
Roy Graeber

10:00 a.m., Wednesday, July 10, 2002
6900 Atmore Drive, Richmond, Virginia

I. Board Vice Chairman (Mr. Adkins)

The meeting was called to order. The Vice Chairman asked all in attendance to please stand and recite the Pledge of Allegiance.

Roll Call

No roll call was taken. In lieu of no roll call, it should be noted for the record that seven Board members (noted above) were in attendance. Mr. Finkbeiner and Mr. Graeber were absent.

1) Approval of May Board Minutes

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Fraley and unanimously affirmed by the show of hands of five Board members present and voting (Davis-Wagner, Fraley, Cahill, Maxey, and Terry), it was moved that the May Board Minutes be *APPROVED*. As a tie-breaking vote was not necessary, a vote by Mr. Adkins was not required. It was duly noted that Ms. Killilea requested to *ABSTAIN* from the vote as she was not present at the May meeting. Her abstention was so noted.

II. Public Comment

No member of the general public appeared to speak.

Introduction of Board Guests

At this time the Board Vice Chairman recognized and introduced Mr. Mark Davis from the Attorney General's Office.

III. Committee Reports

A. Liaison Committee (Mr. Adkins)

The Board Vice Chairman reported that the out-of-compliance issue was again the biggest topic of conversation at the meeting. In addition, it was noted that Mr. Sisk and Mr. Bass will be meeting with local judges regarding the issue of court orders. The outcome of their meeting(s) will be on the agenda for the next Liaison Committee meeting. Mr. Adkins also noted there would be no Liaison Committee meeting in September.

B. Correctional Services/Policy & Regulations (Ms. Maxey)

1) Certifications (State and Local Facilities/Programs)

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously affirmed by the show of hands of five Board members present and voting (Davis-Wagner, Fraley, Cahill, Maxey, and Terry), the following recommendations were *APPROVED* by the Board. As a tie-breaking vote was not necessary on any recommendations, a vote by Mr. Adkins was not required. Mr. Finkbeiner and Mr. Graeber were absent.

- a) **Rappahannock County Jail** – Unconditional Certification
- b) **Marion Correctional Treatment Center** – Unconditional Certification

Request for Variance to Standard 110-A for the Marion Correctional Treatment Center:

The Committee Chairman proffered the following language:

“The Board of Corrections approves a variance for Standard 110-A that requires “24-hour access to toilet facilities” until the funding of \$300,000 for the installation of commode/sink units is appropriated. The variance represents 24 inmate cells in two of the wings at the facility.”

There was some discussion as to a timeframe for appropriation of these funds, and the question was raised as to whether or not the Board should set a timeframe for completion of installation of the commode/sink units. After conversation, it was determined that the variance would remain in

effect until the next three-year certification audit, and the variance can be readdressed at that time. No substitute motion was necessary.

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously affirmed by the show of hands of five Board members present and voting (Davis-Wagner, Fraley, Cahill, Maxey, and Terry), the *VARIANCE* to Standard 110-A for the Marion Correctional Treatment Center was *APPROVED* by the Board. As a tie-breaking vote was not necessary on the variance request, a vote by Mr. Adkins was not required. Mr. Finkbeiner and Mr. Graeber were absent.

The Committee Chairman then recommended Unconditional Certification for the following facilities who had attained 100% compliance;

- a) **Deep Meadow Correctional Center (100% compliance) - Unconditional Certification**
- b) **Tazewell Correctional Field Unit #31 (100% compliance) - Unconditional Certification**
- c) **Appomattox County Jail (100% compliance) – Unconditional Certification**
- d) **Botetourt County Jail (100% compliance) – Unconditional Certification**
- e) **Campbell County Adult Detention Center [BRRJA] (100% compliance) – Unconditional Certification.**

And to defer to the September, 2002, meeting the following:

Probation & Parole District #26 (Culpeper), Probation & Parole District #10 (Arlington), Probation & Parole District #18 (Norton), Probation & Parole District #15 (Roanoke), Probation & Parole District #22 (Martinsville), Danville Adult Detention Center, and the Wise County Jail.

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously affirmed by the show of hands of five Board members present and voting (Davis-Wagner, Fraley, Cahill, Maxey, and Terry), the above recommendations were *APPROVED* by the Board. As a tie-breaking vote was not necessary on the recommendations, a vote by Mr. Adkins was not required. Mr. Finkbeiner and Mr. Graeber were absent.

2) Jail Inspections

It was noted that the following facilities achieved 100% compliance on their unannounced inspections:

Altavista Lockup, Augusta County Jail, Colonial Beach Lockup, Culpeper County Jail, Danville City Jail, Gloucester County Jail, and Greene County Lockup

This information was provided for informational purposes only. No action by the Board or Motion is required.

3) **Certifications**

The Committee Chairman also noted that the **Dinwiddie County and Northampton County Jails** will be continued on probationary certification status.

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously affirmed by the show of hands of five Board members present and voting (Davis-Wagner, Fraley, Cahill, Maxey, and Terry), the above action was *APPROVED* by the Board. As a tie-breaking vote was not necessary on the recommendation, a vote by Mr. Adkins was not required. Mr. Finkbeiner and Mr. Graeber were absent.

4) **Jail Inspections**

Board Motion to Approve Suspension of Certain 2002 Unannounced Inspections

Ms. Maxey, the Committee Chairman, proffered the following *MOTION* for *APPROVAL*:

“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves suspension of the 2002 annual inspection for the jails and lockups noted below:

Alleghany-Covington Regional Jail, Appomattox County Jail, Botetourt County Jail, Chesterfield County Jail, Hampton Roads Regional Jail, Henrico County Regional Jail-West, Northern Neck Regional Jail, Southampton County Jail, Southampton County Jail Annex, Western Tidewater Regional Jail, and Highland County Lockup.”

According to Mr. Adkins (Acting Chairman), no second was needed as the motion was coming from the Chairman of a Board Standing Committee. The Acting Chairman assured that this was proper protocol. With that assurance, a poll and accounting of individual Board members' votes was not effected.

Board Motion to Approve Request By Botetourt and Craig Counties to Recognize the Botetourt County Jail As Being A Regional Jail Serving Both Counties Since February, 1976

The Committee Chairman noted that the Sheriff and County Administrator acknowledge such an agreement has been in place.

By *MOTION* duly made by Ms. Maxey, with no second, the Board of Corrections *APPROVES* the submitted documentation of a cooperative jailing agreement between Botetourt and Craig Counties as proof that the Botetourt County Jail is a regional jail serving Botetourt and Craig Counties since February 17, 1976. Per approval of this motion and in accordance with their exemption from the current funding moratorium on jail construction in the 2002 Appropriations Act, the counties of Botetourt and Craig may now submit a request for jail construction funding reimbursement in accordance with Section 53.82 of the Code of Virginia.

The *MOTION* was unanimously affirmed by the show of hands of five Board members present and voting (Davis-Wagner, Fraley, Cahill, Maxey, and Terry). As a tie-breaking vote was not necessary on the motion, a vote by Mr. Adkins was not required. Mr. Finkbeiner and Mr. Graeber were absent.

5) **Policy/Regulations**

Ms. Maxey noted that the Minimum Standards for Jails and Lockups were approved on June 11, 2002, by the Department of Planning & Budget. The next step in the process will be review and approval by the Secretary of Public Safety. Once that approval has been attained, the Standards will move to the Governor for his review and approval. Once his approval is received, the process will be complete.

Ms. Maxey also noted that the Public Participation Guidelines will be published in the Virginia Register sometime in mid-July.

C. **Administration** (Ms. Killilea)

Ms. Killilea noted that the Overtime Report, the Response to the Auditor of Public Accounts with one page attached, and a copy of the 2002 budget were included in each member's package. (The last two items are for informational purposes only.)

1) **Quarterly Overtime Report for 3rd Quarter Ended March 31, 2002**

It was noted that the Department experienced a decrease in overtime expenses of 3.3% over the same period last year. Several significant factors were attributed to this decrease: closing some towers and security posts, reducing the size of the K-9 patrol unit, and the installation of new technology, to name a few. Roster management is still the single-largest contribution to decreasing overtime expenses.

As an item of interest, Ms. Killilea mentioned that the Department's Management Information Summaries had been mailed to the members under separate cover. She asked that each Board member carefully review the information contained therein and let her know if there were any questions.

2) **Response to Auditor of Public Accounts (Informational Purposes Only)**

Mr. Fraley mentioned the Privatization Report, which was due in September and which was cited as a finding in the above APA report. Mr. Link noted the report has been completed and submitted to the Secretary of Public Safety. The Department is now in compliance with the APA regarding this finding.

IV. **General Discussion**

Mr. Adkins acknowledged the presence of Deputy Secretary Barry Green from the Secretary of Public Safety's Office and Ms. Kim Lipp, with Architecture & Engineering Services

V. **Closed Session**

The Acting Chairman noted that there were no items for discussion in Closed Session.

VI. **Other Business (Mr. Adkins)**

Presentation by Mr. Bass With Reference to Out of Compliance Inmates and Vacant Beds

Mr. Bass gave some background and history on what constitutes a state-responsible inmate and at what point a state-responsible inmate becomes an out-of-compliance inmate. He explained how not having vacant beds directly affects the out-of-compliance numbers. He stated that each week, 550 inmates are moved throughout the system. In response to an inquiry, Mr. Bass noted 107 inmates are released each week, which means the Department is bringing in 107 inmates each week.

The out-of-compliance number has been as high as +2200 inmates. It is now below 1500 inmates. He noted the Department is processing more inmates than in the past, which does not reflect the current trend that crime rates are at their lowest. Mr. Bass concluded his presentation by emphasizing that the Department works hard every day to move inmates, and local sheriffs report they are quite happy with the support being given by the Department. He believes that in his 33 years with the Department, the current inmate management system is the best he has ever had the opportunity to work with.

At the conclusion, it was suggested that Mr. Bass and a representative from his classification unit make another presentation at the September Board meeting. He agreed that would be taken care of.

Deputy Secretary of Public Safety Barry Green

Mr. Adkins asked the Deputy Secretary if he had anything to say to the Board. The Deputy Secretary noted that revenue forecasts as of fiscal year end June 30, 2002, are anticipated to be approximately \$2 million short, meaning that the 2003 fiscal year is starting off \$2 million short. There was some reserve built in with the hope that the budget would be balanced, but that was not the case. As a result, the revenue forecast will be redone and should be completed by September. Because of the bleak budget picture, budgetary constraints will go on out of necessity. The Deputy Secretary did note what a superb job the Department has done and all it has accomplished to come in line with mandated reductions. The Deputy Secretary also reported that the state prison and jail forecast is being revisited and is due in October or November. This process is the responsibility of the Secretary of Public Safety.

VI. Other Business

Appointment of Nominating Committee for Election of Board Officers

The Acting Chairman appointed Ms. Dianne Davis-Wagner as chair of the Committee. The other Committee members will be Mr. Donald Cahill and Ms. Colleen Killilea. The report of the nominating committee will be presented at the September Board meeting.

It should be noted that the question was asked, should the Board move forward and nominate a slate for election? Also, the suggestion was made to defer the selection of the nominating committee until September. It was agreed to go forward with the nominating committee and should the composition of the Board change, which might necessitate reappointment of a nominating committee, it can be addressed at that time.

Board Member Attendance at Recent DOC-Sponsored Events

On a separate note, Ms. Dianne Davis-Wagner reported that she had been invited and had attended the Eastern Region Awards Ceremony held in Portsmouth in May. She stated it was a wonderful event with a great turnout, though less than in the past. Mr. Adkins reported that he, in the Chairman's absence, had attended the Department's Awards Ceremony at the Sheraton Richmond-West in June. There were over 300 employees present, and he stated it was a fabulous event. The Secretary of Public Safety was the keynote speaker.

Other

It was also noted that the Executive Team was in Roanoke at an Executive Retreat during this Board week. It was felt that the Executive Team should be available when the Board meets. Mr. Adkins stated he would call the Director to ask that Board and Executive Team schedules be coordinated so that everyone can be in attendance.

VII. Future Meeting Plans

Correctional Services/Policy & Regulations Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 17, 2002

Administration Committee – 8:30 a.m., Room 3065, 6900 Atmore Drive, Richmond, Virginia, September 18, 2002

Board Meeting - 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 18, 2002

VIII. Adjournment

There being nothing further, the meeting was adjourned.

(Signature copy on file)

DONALD L. CAHILL, MEMBER

COLLEEN K. KILLILEA, MEMBER

RENÉE T. MAXEY, MEMBER